

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ALLEN BENNETT,)
Petitioner,)
v.) Case No. 09-cv-175 DRH
DONALD A. HULICK, et al.,)
Respondents.)

ORDER

Currently pending before the Court are Plaintiff's Motions for Default Judgment (Doc. 17), for Attorney Fees and Costs (Doc. 18), and for Damages (Doc. 19).

Petitioner filed a petition for writ of habeas corpus on March 5, 2009, challenging five prison disciplinary actions that resulted in the loss of good conduct credit (Doc. 1). Petitioner contends that if the good conduct credits had not been revoked, he would be entitled to release. On May 5, 2009, the Court ordered Respondents to file a response to the petition within 23 days of service (Doc. 6). Respondents were served on May 11, 2009, making the answer due on June 3, 2009. On June 1, 2009, Respondents filed a motion for an extension of time to answer, which the Court granted. Respondents were ordered to file a response on or before July 3, 2009 (Doc. 11). On June 4, 2009, Petitioner filed a Motion for Entry of Default (Doc. 13). The Clerk denied the motion because the response deadline had not yet passed (Doc. 14). On July 1, 2009, Respondent filed an answer to the petition (Doc. 16). On July 9, 2009, Petitioner filed the instant motions for default judgment, attorney fees and costs, and for damages.

The Clerk denied entry of default, and the Respondent answered the petition in a timely manner. Respondent is not in default. Accordingly, Petitioner's motions are premature and therefore **DENIED as moot**.

IT IS SO ORDERED.

DATED: July 22, 2009

s/ Donald G. Wilkerson
DONALD G. WILKERSON
United States Magistrate Judge